

CRM-M-45070-2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
208/4

CRM-M-45070-2022 (O&M)
Date of Decision:-10.05.2023

Nikhil Singh
.....Petitioner

Versus

State of U.T. Chandigarh
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Nikhil Singh, Advocate with
Mr. Amit Kumar, Advocate for the petitioner.

Mr. Tarun Seth, Advocate for
Mr. Sumit Jain, Addl P.P. U.T., Chandigarh.

ALOK JAIN, J. (Oral)

CRM-9741-2023

1. The present application is for placing on record the amended petition as during the pendency of the petition, the challan has been filed and various other Sections as detailed in the head note of amended petition have been added.
2. Notice of this application.
3. Mr. Tarun Seth, Advocate for Mr. Sumit Jain, Addl P.P. U.T., Chandigarh, accepts notice on behalf of respondent-State and does not oppose the same.
4. In light of the above, the application stands allowed and amended petition is taken on record.

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CRM-20692-2023

1. The present application is for placing on record Annexure P-5 and Annexure P-6.
2. Application is allowed as prayed for, subject to all just exceptions. Annexure P-5 and Annexure P-6 are taken on record.

CRM-M-49307-2022

1. The present petition has been filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 92 dated 01.08.2022 under Sections 147, 148, 149, 323, 354, 379, 379-B of the Indian Penal Code, 1860 (Sections 325 and 411 IPC added later on and Sections 392, 394, 395 and 397 IPC added vide order dated 20.12.2022), registered at Police Station Maloya, Chandigarh.
2. Learned counsel for the petitioner submits that an incident occurred on the festival of Teej, which has been given a criminal color in the FIR. More so, he submits that the co-accused has already been granted the concession of anticipatory bail. He further submits that the petitioner is in custody since 01.08.2022 and the investigation is complete and rather the challan has already been presented.
3. Learned State counsel vehemently opposes the bail and submits that the recovery has been effected from the petitioner and there are serious allegations of giving a grievous injury on the body of the complainant and their family members, however, he could not deny the fact that the petitioner is in custody for last more than 9 months and investigation is complete and the trial is likely to take some time.
4. After hearing learned counsel for the parties and the fact that

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the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- 1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- 2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- 3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10.05.2023
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No